

ADM-15.08, "CELLULAR TELEPHONE USE," October 1, 2010

SCDC POLICY/PROCEDURE

Change 1 to ADM-15.08: 1.2

NUMBER: ADM-15.08

TITLE: CELLULAR TELEPHONE USE

ISSUE DATE: OCTOBER 1, 2010

RESPONSIBLE AUTHORITY: DIVISION OF RESOURCE AND INFORMATION MANAGEMENT

OPERATIONS MANUAL: ADMINISTRATION

SUPERSEDES: New Policy

RELEVANT SCDC FORMS/SUPPLIES: NONE

ACA/CAC STANDARDS: 4-ACRS-2C-01, 4-4192

STATE/FEDERAL STATUTES: S.C. Code Ann. §16-13-400

PURPOSE: To establish guidelines for the South Carolina Department of Corrections concerning the possession and use of cellular telephones.

POLICY STATEMENT: The South Carolina Department of Corrections recognizes that cellular telephones play an integral role in both the professional and personal lives of its employees and visitors. However, the Department has a zero tolerance policy regarding the intentional or inadvertent introduction, or attempted introduction of any cellular phone into any institution. (4-ACRS-2C-01, 4-4192)

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SPECIFIC PROCEDURES:

1. SCDC PROVIDED CELLULAR TELEPHONES:

1.1 SCDC provides cellular telephones for the purpose of conducting official SCDC business. SCDC provided cellular telephones may not be taken into SCDC institutions unless approved prior to entering the institution. An employee who has a qualified need to carry his/her state telephone into an institution must communicate with the Warden or Designee prior to entering the institution with the telephone to explain the need and seek approval. Failure to do so may result in the telephone being confiscated. Authorization to carry a state issued telephone into an SCDC institution may also be approved by the Agency Director, the Division Director of Operations/Designee, or the Inspector General. (4-ACRS-2C-01, 4-4192)

1.2 Employees are discouraged from placing personal calls via SCDC provided cellular telephones : ~~Payment~~ and payment of any costs incurred by SCDC for personal calls is will be the employee's responsibility. If the employee must use the cellular telephone for a personal call, s/he will highlight personal calls on the cellular telephone bill and reimbursement will be made via cash or check to the Accounts Payable Section of the ~~Financial Accounting Branch~~, Division of ~~Budget and Finance~~ for all resulting costs incurred by SCDC, including roaming charges. The employee will attach the SCDC receipt of payment to his/her SCDC cellular telephone bill and maintain both for audit purposes. (Amended by Change 1, dated September 10, 2014.)

2. PERSONALLY OWNED CELLULAR TELEPHONES:

2.1 INSTITUTIONS: Unless approved as noted in this policy, all personally owned cellular telephones will remain secured in vehicles while on institutional property. Employees may not carry or use personally owned cellular phones on any assigned post, when transporting inmates, or during perimeter patrols. EXCEPTION to 2.1, will be at the discretion of the Warden/Designee or appropriate Division Director/Designee for employees who must travel in a SCDC vehicle to meetings, training, or who are required to transport inmates but are not issued a state phone, etc. (NOTE: The use of a personal cellular phone to/from the state vehicle while on Institutional property is strictly prohibited. Corrective action will be taken if an employee has been found violating this procedure.)(4-ACRS-2C-01, 4-4192)

2.1.1 EMPLOYEES: If an employee is found to be in possession of a personally owned cellular phone prior to entering an institution, and there appears to be no attempt to intentionally introduce the phone into the institution, the employee will be allowed to return the phone to his/her vehicle. If there is evidence or suspicion that the employee was attempting to intentionally introduce the cellular phone into the institution, the phone will be confiscated and held as evidence pending the investigation of the matter. The Warden has the discretion to return the phone after the completion of the investigation. Employees who are found to be in possession of a cellular phone inside an institution will have the phone confiscated and retained pending an investigation. (NOTE: In all these cases, disciplinary action will be taken in accordance with SCDC Policy/Procedures ADM-11.04, "Employee Corrective Action," which may include suspension without pay, and/or termination.)The investigation could also result in criminal prosecution.

2.1.2 INMATE VISITOR: If an inmate visitor is found to be in possession of a cellular telephone prior to entering an institution, and there appears to be no attempt to intentionally introduce the phone into the institution, the inmate visitor will be allowed to return the phone to his/her vehicle, and the visit will be terminated for that day. If there is evidence or suspicion that the inmate visitor was attempting to intentionally introduce the phone into the institution, the telephone will be confiscated and held as evidence pending the investigation of the matter. The inmate visitor will not be allowed to visit, and the Warden will review the matter to determine if a visitation suspension is warranted. The Warden has the discretion to return the phone after the completion of the investigation. Inmate visitors who are found to be in possession of a cellular phone inside of an institution should be aware that the phone will be confiscated and retained pending an investigation. The visit will be terminated immediately, and the visitor will face a visitation suspension. The investigation could also result in criminal prosecution.

2.1.3 VENDORS, VOLUNTEERS, OUTSIDE CONTRACTORS: Personally owned cellular telephones and business owned cellular telephones used by vendors, volunteers, or outside contractors must be secured in their vehicles, and may not be taken into SCDC institutions. Vendors, outside contractors, volunteers, etc., who are found intentionally (i.e., cell phone is discovered hidden during a search) attempting to introduce a cellular telephone into an institution will be denied access into the facility, and the cellular telephone will be confiscated. The decision to allow access into the facility for vendors, outside contractors, volunteers, etc., who have inadvertently (i.e., forgotten their cellular telephone is hooked to their belt,etc.,) failed to secure their cellular telephone in their vehicle will be at the discretion of the Warden/Designee, after they have returned their cellular telephone to their vehicle. (NOTE: An exception may be granted to vendors and contractors who are there to make equipment repairs at the discretion of the Warden/Designee.) The intentional introduction of a cellular telephone into an institution could result in criminal prosecution.

2.1.4 OUTSIDE LAW ENFORCEMENT: Outside law enforcement agents on official business are authorized to carry cellular telephones into an institution, with the approval of the Warden/Designee. Each such event will be documented, with the name, title, and agency of the law enforcement officer recorded.

3. USE OF A CELLULAR TELEPHONE WHILE OPERATING A STATE VEHICLE: The use of either a SCDC issued, or personally owned cellular telephone for the purpose of texting or emailing while operating a state vehicle is strictly prohibited. During inmate transport, if two Correctional Staff are present, the use of ANY cell phone must be by the passenger of the vehicle. If a single staff member is transporting inmates,

and a telephone call must be made, every effort should be made to pull over to the side of the road.

4. CORRECTIVE ACTION:

4.1 Employees: Any employee who violates this policy/procedure will be subject to corrective action in accordance with SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action."

5. DEFINITIONS:

Intentional refers to the deliberate actions of an individual.

Inadvertent refers to an unintentional action of an individual.

SIGNATURE ON FILE

—

s/Jon E. Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT.